

EXHIBIT H

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May 1, 2002

Mr. John H. Robertus
Executive Director
Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA. 92123-4340

Dear John:

*Belt Street Rupture of 2/1/01;
AST 40-0449.05.bsp*

The City of San Diego is in receipt of your April 26, 2002 letter acknowledging the City's development of a workplan for the above referenced site but citing two deficiencies: (1) failure to submit plan by January 25, 2002; and (2) failure to acknowledge potential costs.

The City offers two important corrections:

- (1) Plan by 1/25/02: As you know, the staff's letter of November 13, 2001 requested the workplan under Water Code section 13267, which requires activity from any "discharger." Because the City was neither present at nor caused the discharge, it timely responded on December 10, 2001 denying its role as a "discharger" and requesting, as is required, a hearing on this issue. With the January 25, 2002 date approaching and no hearing completed, the City and Barry S. Pulver of your staff expressly agreed that the January 25 date remained but penalties would not accrue unless the City failed to act within thirty days *after* the discharger status has been resolved. (See City's January 10, 2002 letter to Mr. Pulver attached hereto.)

As you note, Mr. Gonaver of the City is processing the workplan, so it is important to recognize this agreed upon extension.

- (2) Acknowledgment letter: The staff's November 29, 2001 request for an acknowledgment letter was expressly responded to on December 6, 2001 (see copy attached). The City reaffirms its participation in the cost program with the procedural safeguards noted.

Mr. Robertus

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May 1, 2002

I trust this corrects implications that the City has not been timely and cooperative in the orderly resolution of the issues posed by a spill involving at least four potentially responsible parties.

Sincerely yours,

CASEY GWINN, City Attorney

By



Ted Bromfield
Senior Deputy City Attorney

TB:mb

Attachments:2

Letter of 1/10/02

Letter of 12/6/01

cc: Barry S. Pulver, Regional Water Quality Control Board
Chris Gonaver, City of San Diego Environmental Services Dept
Ted Olson, City of San Diego Underground Tank Program
Jeremiah Jackson, PhD, AMEC Earth & Environmental Company
John M. Dillard, Esq., Attorney for AMEC
Tony Clark, Esq., Attorney for AMEC
Tim Duddie, Tri-County Drilling, Inc.